

STATE OF MINNESOTA

IN SUPREME COURT

C9-94-1898

PROMULGATION OF RULES ON  
CERTIFICATION OF COURT INTERPRETERS

**ORDER**

WHEREAS, the Court Interpreter Advisory Committee filed a report with this Court that recommended the promulgation of Rules on Certification of Court Interpreters in the Minnesota state court system, and

WHEREAS, the Supreme Court published the proposed rules and solicited comments on the rules, and

WHEREAS, the Supreme Court has reviewed the recommendations of the committee and the comments submitted by the public and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached Rules on Certification of Court Interpreters are prescribed and promulgated for the regulation of interpreters in the Minnesota state court system.
2. The inclusion of Drafting Committee comments is made for convenience and does not reflect court approval of the comments made therein.
3. The rules are effective upon filing.

DATED: September 18, 1996

BY THE COURT:

OFFICE OF  
APPELLATE COURTS

SEP 19 1996

**FILED**



A.M. Keith  
Chief Justice

## **Rules on Certification of Court Interpreters**

### **DEFINITIONS**

These definitions apply to the Rules of the Supreme Court for certification as a court interpreter.

1. “Advisory Committee” means the Minnesota Court Interpreter Advisory Committee
2. Court” means the Minnesota Supreme Court.
3. Coordinator” means the Court Interpreter Program Coordinator assigned to the State Court Administrator’s Office.
4. Good Character” means traits that are relevant to and have a rational connection with the present fitness or capacity of an applicant to provide interpretation services in court proceedings.

### **RULE I. GENERAL REQUIREMENT FOR COURT INTERPRETER CERTIFICATION**

- A. **Eligibility for Certification.** An applicant is eligible for certification upon establishing to the satisfaction of the State Court Administrator:
1. age of at least 18 years;
  2. good character and fitness;
  3. inclusion on the Statewide Roster of court interpreters maintained by the State Court Administrator’s office in accordance with Rule 8 of the General Rules of Practice for the District Courts;
  4. passing score on legal interpreting competency examination administered or approved by the State Court Administrator’s Office; and
  5. passing score on a written ethics examination administered by the State Court Administrator’s Office.

### **RULE II. EXAMINATION FOR LEGAL INTERPRETING COMPETENCY**

- A. **Examination.** Examinations for legal interpreting competency in specific languages, approved by the Advisory Committee, shall be administered at such times and places as the Coordinator may designate.
1. **Scope of Examination.** Applicants for certification in interpreting in a spoken or sign language may be tested on any combination of the following:
    - a. Sight Interpretation;
    - b. Consecutive Interpretation;

- c. Simultaneous Interpretation; and
  - d. Transliteration (when applicable).
2. **Denial of Opportunity to Test.** An applicant may be denied permission to take an examination if an application, together with the application fee, is not complete and filed in a timely manner.
  3. **Results of Examination.** The results of the examination, which may include scores, shall be released to examinees by regular mail to the address listed in the Coordinator's files. Statistical information relating to the examinations, applicants, and the work of the Advisory Committee may be released at the discretion of the Advisory Committee.
  4. **Testing Accommodations.** A qualified applicant with a disability who requires reasonable accommodations must submit a written request to the Coordinator at the same time the application is filed. The Coordinator will consider timely requests and advise the applicant of what, if any, reasonable accommodations will be provided. The Coordinator may request additional information, including medical evidence, from the applicant prior to providing accommodations to the applicant.
  5. **Confidentiality.** Except as otherwise provided in Rule II A 3, all information relating to the examinations is confidential. The State Court Administrator's Office shall take steps to ensure the security and confidentiality of all examination information.

**Drafting Committee Comment – 1996**

*The Minnesota Supreme Court is one of the founding states of the State Court Interpreter Certification Consortium. It is the function of the Consortium to develop tests for court interpretation in various languages and administration standards, and to provide testing materials to individual states and jurisdictions. The Minnesota State Court Administrator's Office will in most circumstances utilize tests and standards established by or in conjunction with the Consortium.*

### **RULE III. APPLICATION FOR CERTIFICATION**

A. **Complete Application.** An applicant desiring legal interpreting certification in a particular language shall file with the coordinator a complete and notarized application on a form prepared by the State Court Administrator's Office and pay the application fee established by the State Court Administrator's Office.

B. **Certification Standards.**

1. **Screening.** State Court Administrator's Office shall administer character, fitness and competency screening. It shall perform its duties in a manner that ensures the protection of the public by recommending for certification only those who qualify.

A court interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and others with respect to the official duties owed to them. A record manifesting significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of certification.

2. **Relevant Conduct.** The revelation or discovery of any of the following should be treated as cause for further inquiry before the State Court Administrator's Office decides whether the applicant possesses the character and fitness to qualify for certification to interpret in the courtroom:

- a. conviction of a crime which resulted in a sentence or a suspended sentence;
- b. misconduct involving dishonesty, fraud, deceit or misrepresentation;
- c. revocation or suspension of certification as an interpreter, or for any other position or license for which a character check was performed in this state or in other jurisdictions; and
- d. acts that indicate abuse or disrespect for the judicial process.

3. **Evaluation of Character and Fitness.** The State Court Administrator's Office shall determine whether the present character and fitness of an applicant qualifies the applicant for certification. In making this determination, the following factors should be considered in assigning weight and significance to prior conduct.

- a. the applicant's age at the time of the conduct;
- b. the recency of the conduct;
- c. the reliability of the information concerning the conduct;
- d. the seriousness of the conduct;
- e. the factors underlying the conduct;
- f. the cumulative effect of the conduct;
- g. the evidence of rehabilitation;
- h. the applicant's positive social contributions since the conduct;
- I. the applicant's candor in the certification process; and
- j. the materiality of any admissions or misrepresentations.

C. **Notification of Application for Certification.** The Coordinator shall notify applicants in writing and by regular mail of the decision on the applicant's request for certification.

**D. Information Disclosure.**

1. **Application File.** An applicant may review the contents of his or her application file, except for the work product of the Advisory Committee, the Coordinator and the State Court Administrator's Office, at such times and under such conditions as the Advisory Committee may provide.
2. **Investigation.** Information may be released to appropriate agencies for the purpose of obtaining information related to the applicant's character and competency.
3. **Confidentiality.**
  - a. Investigative Data: Information obtained by the Advisory Committee, the Coordinator and the State Court Administrator's Office during the course of their investigation is confidential and may not be released to anyone absent a court order. The court shall consider whether the benefit to the person requesting the release of the investigative data outweighs the harm to the public, the agency or any person identified in the data.
  - b. Applicant File Data: All information contained in the files of applicants for court interpreter certification in the State Court Administrator's Office except as otherwise provided in Rule III D 3 of these rules is confidential and will not be released to anyone except upon order of a court of the competent jurisdiction or the consent of the applicant.
  - c. Examination Information: Examination Information shall be available as provided in Rule II A.

**Drafting Committee Comment – 1996**

*The primary purpose of character, fitness and competency screening is to ensure equal*

*access to justice for people with limited English proficiency, or speech or hearing impairments. Such screening also ensures the efficient and effective operation of our judicial system. Our judicial system is adequately protected by a system that evaluates the character, fitness and competency of an interpreter as those elements relate to interpreting in the courtroom. The public interest requires that all participants in the courtroom be secure in their expectation that those who are certified interpreters are competent to render such services and are worthy of the trust that the courts, witnesses, jurors, attorneys and parties may reasonably place in the certified interpreter.*

#### **RULE IV. APPEAL OF DENIAL OF CERTIFICATION**

- A. **Appeal of Certification Denial.** Any applicant who is denied certification by the State Court Administrator's Office may appeal to the chair of the Advisory Committee by filing a petition for review with the Chair of the Advisory Committee within twenty (20) days of receipt by the applicant of a final decision by the State Court Administrator's Office. The petition shall briefly state the facts that form the basis for the complaint and the applicant's reasons for believing that review is warranted. A copy of the petition must be provided to the State Court Administrator's Office.
- B. **Response From State Court Administrator's Office.** The State Court Administrator's Office shall submit to the Chair of the Advisory Committee a response to the applicant's appeal of the denial of certification within a reasonable time after receipt of a copy of the applicant's petition for review. The response should set forth the reasons for the denial of certification.
- C. **Decision by Chair of the Minnesota Court Interpreter Advisory Committee.** The Chair shall give such directions, hold such hearings and make such order as he/she may deem

appropriate.

## **RULE V. COMPLAINTS AND INVESTIGATION**

- A. **Complaints:** All complaints of alleged unprofessional and unethical conduct by certified court interpreters in the performance of their duties in the courtroom shall be submitted in writing to the Coordinator.
- B. **Determination to Investigate:** The Coordinator shall review each complaint and determine whether there is sufficient cause to believe that a certified court interpreter has engaged in unprofessional or unethical conduct. If sufficient cause exists, the Coordinator shall investigate the complaint or refer the investigation to a qualified agency or individual.
- C. **Submission of Investigative Report to State Court Administrator:** The investigator shall submit a report of his/her findings to the State Court Administrator for review.

### **Drafting Committee Comment -- 1996**

*This complaint procedure is not intended as a means for appealing claims of error by a court interpreter. This complaint procedure is available to address unprofessional or unethical conduct by certified court interpreters. Consequently, in the absence of fraud, corrupt motive, bad faith, or pattern of established interpreter error, the Coordinator is not likely to initiate an investigation of a complaint of an error of a court interpreter.*

## **RULE VI. SUSPENSION OR REVOCATION OF CERTIFICATION**

- A. **Persons subject to Revocation or Suspension of Certification:** The certification of a certified court interpreter in Minnesota is subject to suspension or revocation by the State

Court Administrator's Office.

- B.. **Grounds for revocation or suspension of certification includes:** Unprofessional or unethical conduct, including, without limitation, a conviction of a crime resulting in a sentence or a suspended sentence, or conduct that violates the Minnesota Code of Professional Responsibility for court interpreters.
- C. **Disposition of Criminal Charges:** A conviction, acquittal or other disposition of any criminal charge filed against an interpreter shall not preclude an investigation by the Coordinator or action by the State Court Administrator with respect to the conduct upon which the charge was based.
- D. **Evaluation of Investigator's Report and Determination of Appropriate Action:** Upon receipt of the investigator's report on conduct that might constitute grounds for revocation or suspension of a court interpreter's certification, the State Court Administrator shall evaluate the report and determine whether the court interpreter's certification shall be temporarily or permanently revoked.
- E. **Confidentiality:** All complaints and investigations shall be confidential, except that when a final determination is made to suspend or revoke an interpreter's certification, the final disposition, including the grounds for suspension or revocation and the facts cited in support of the disposition, shall be accessible to the public. For purposes of this rule, a final determination occurs at the conclusion of the appeal proceedings before the Chair of the Advisory Committee, under Rule VII, or upon failure of the interpreter to appeal the State Court Administrator's decision to revoke or suspend within the time provided by Rule VII.

## **Drafting Committee Comment -- 1996**

*It is contemplated that the power to revoke or suspend interpreter certification will be exercised sparingly and when exercised, consideration will be given to the appropriate procedure and the giving of notice and an opportunity to be heard if such process is due the interpreter.*

### **RULE VII. APPEAL OF STATE COURT ADMINISTRATOR DECISIONS**

An interpreter may appeal the State Court Administrator's decision to revoke or suspend certification to the Chair of the Advisory Committee within twenty (20) days of a final decision by the State Court Administrator. The State Court Administrator shall submit to the Chair of the Advisory Committee a response to the appeal within a reasonable time after receipt of a copy of the petition for review. The Chair of the Advisory Committee shall give such directions, hold such hearings and make such order as s/he may deem appropriate.

### **RULE VIII. EXPENSES AND FEES**

The expenses for administering the certification requirements, including the complaint procedures, may be paid from initial application, examination fees and renewal fees. The fees shall be set by the State Court Administrator's Office and may be revised as necessary with the approval of the Supreme Court.

### **RULE IX. CONTINUING EDUCATION REQUIREMENTS**

The State Court Administrator's Office may establish continuing education requirements for certified court interpreters with the approval of the Supreme Court.